



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200075013

Date: May 24, 2002

Comments Due: June 24, 2002

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to cross drainages, including Keyser Creek, and impact 0.06 acre of wetlands, as shown in the attached drawings.

<b>APPLICANT:</b>	Thomas A. Zancanella	Fred Chaney
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**LOCATION:** Keyser Creek within the White River National Forest in Garfield County, north of the City of Glenwood Springs, Colorado. The legal description is within Sections 27 (SW 1/4), 28 (SE 1/4) and 33, Township 4 South, Range 89 West and Section 4 (NW 1/4), Township 5 South, Range 89 West, Garfield County, Colorado.

**PURPOSE:** To gain motorized access to a private inholding within the White River National Forest.

**BACKGROUND:** The applicants' private property is an inholding surrounded by public lands. To the east, south, and west is land managed by the Bureau of Land Management (BLM) and to the north is land managed by the U.S. Forest Service (FS). An existing, low impact trail accesses the property running in a north-south direction along the Keyser Creek drainage. This trail is shown on a Garfield County map as early as 1883 and is designated as Forest Development Trail (FDT) 1844. The applicants currently access their property by foot, horseback, and helicopter. They are requesting improvement of the trail to allow motorized use.

At present, the property is not served by any motorized access other than snow machine for reasonable use and enjoyment of the property. General car and truck traffic is not contemplated, but All Terrain Vehicles, small tractors or other small construction equipment is proposed. The Alaska National Interest Lands Conservation Act requires the BLM and FS to provide reasonable access to private lands that are surrounded by public lands. As such, an Environmental Assessment (EA) was performed by the Bureau of Land Management on January 31, 2002, and resulted in a Finding of No Significant Impact for the project as proposed.

Alternative access routes listed below were considered. This EA is pending concurrence by the Forest Service.

**PROJECT DESCRIPTION:** This project proposes to improve FDT 1844 trail (accessed from Blue Lake area to the north) to gain motorized access to private property. The trail is approximately 1.9 miles long, 60 inches wide, will cross Keyser Creek 3 times and will impact approximately 495 linear feet or less than 0.06 acres of wetlands, including 174 feet of high quality wetlands (area Z-G). Wetland crossings will be achieved by using a typical trail cross-section of geo-grid, Mirafi 140N fabric and 2 inches of rock cover to keep it all in place. Several other minor drainages will involved culvert installation or at-grade trail improvement.

**ALTERNATIVES:**

1. No action. This alternative was eliminated from detailed evaluation because it would deny a right-of-way grant and would not allow "reasonable enjoyment of the property".
2. Access from the south (on BLM land), up Canyon Creek on FDT trail 1844. Alternative 2 was eliminated because of very steep slopes and high visibility from both the main Colorado River corridor as well as from I-70.
3. Access from the east (on BLM land) on Possum Creek Road. This alternative involves the development of a new trail and was eliminated because of steep cross-slopes greater than 2:1, the need to cross numerous wetlands, and problems associated with a large boulder field.
4. Access from the north (on FS land), on Keyser Creek on FDT trail 1844. This is essentially the same route as the proposed project shown on the enclosed maps and described above. However, an alternative crossing design was considered at the high quality wetland area Z-G (174 feet). The wetland crossing considered involved a bridge made of 2-4 inch pilings spaced on approximately 6-8 foot centers and on-site logs approximately 12 inches above the existing wetland. This design was eliminated due to expectations that hooved animals would avoid this crossing and continue to utilize Keyser Creek for access purposes.

**MITIGATION:** During trail improvement, 369 feet of existing trail will be removed from wetlands. The applicants have also provided trail head parking at the beginning (north, Blue Lake area) of FDT 1844 at the request of the BLM. Additionally, as part of the right-of-way grant, the applicants will assist the Forest Service in the consolidation of the motorized trail in the Blue Lake area that will result in reclaiming a minimum of 0.15 acre of wetlands that are currently being impacted by the public. Finally, the applicants will monitor the this trail project and provide maintenance for both their use (motorized) and that of the public (foot and horse) in the future. The trail is currently not maintained by the FS.

**AREA DESCRIPTION:** Keyser Creek is located below Blue Lake on the White River National Forest and is at the bottom of a steep canyon. The vegetation is primarily a juniper woodland. At the southern reach of the creek the juniper mixes with oak brush and the northern reach is mostly spruce and aspen.

This segment of Keyser Creek is located on the White River National Forest and originates from Blue Lake (located on the Flat Tops) and is a south flowing tributary of East Canyon Creek

which drains into the Colorado River. The elevation ranges from 10,400 feet on the north end to 9,400 feet at the southern terminus of the existing trail. Keyser Creek is situated in a valley and is bordered to the east and west by steep slopes. Sheer rock cliffs occur on the upper slopes to the west of Keyser Creek. A riparian areas occurs along most reaches of Keyser Creek. Trees present in the valley include spruce, fir, aspen and grade into oak brush at the southern reach. Both mountain meadows and scattered stands of timber occur in the valley. Spruce-fir stands adjacent to Keyser Creek contain downed logs, boulders, stumps, snags, and are interspersed with wet meadows and wetlands.

**ADDITIONAL INFORMATION:** The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Phil Hegeman, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **June 24, 2002**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

A known cultural resources site, 5GF2774.1, a log fence is located in the permit area, but has been evaluated as non-significant by Sally J. Metcalf of Metcalf Archaeological Consultants, Incorporated. Ms. Metcalf based this evaluation on the fact that the fence is not associated with any historically significant people or events, lacks distinctive architectural characteristics and has no structural integrity.

During review of the EA, a Biological Evaluation was performed by Beattie Natural Resource Consulting, Incorporated. This was reviewed by the U.S. Fish and Wildlife Service (the Service) for compliance with Section 7 concerned Threatened and Endangered Species. The Service concurred that there would be "no effect" for bald eagles and Mexican spotted owls, as well as, concurrence of "may affect, not likely to adversely affect" Canadian lynx.

Interested parties are invited to submit written comments on or before **June 24, 2002**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion,

recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Susan Bachini Nall, Western Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Ms. Nall, at telephone number (970) 243-1199, extension 16, or email [Susan.Nall@usace.army.mil](mailto:Susan.Nall@usace.army.mil).

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures: 6 Drawings